

# Notice of Allowability

Application No.

10/659,094

Examiner

Susannah Lee

Applicant(s)

COMBEAU ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/24/05.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 12/4/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 05/02/05.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-15 are pending in the instant application.

#### ***Priority***

This application is a continuation of PCT/FR02/00852, filed on 03/11/2002, which claims foreign priority of French application number 01-03408 filed on 03/13/2001. The application names an inventor or inventors named in the prior application.

#### ***Response to Applicant's Remarks/Amendments***

Applicant's remarks and amendments filed on 02/24/2005 is acknowledged.

#### **Rejection of Claim 1 under 35 U.S.C. §112, second paragraph**

Examiner's rejection of claim 1 as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention is withdrawn based upon applicant's amendment in the claims of the term "isomeric" to "stereoisomeric" filed on 02/24/2005.

#### **Rejection of Claims 1-4 under 35 U.S.C. §103(a)**

Examiner's rejection of claims 1-4 as being obvious and thus unpatentable over Tang et al., U.S. Patent Number 5,886,020 is withdrawn.

#### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Joseph Strupczewski on 05/02/05.

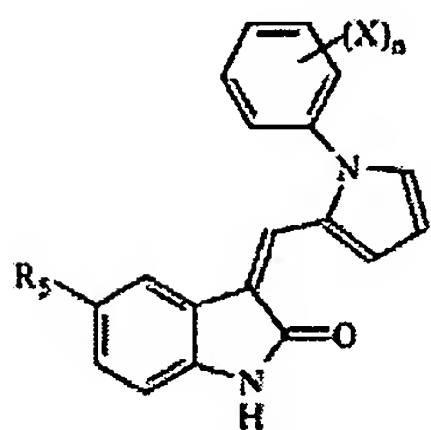
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The application has been amended as follows:

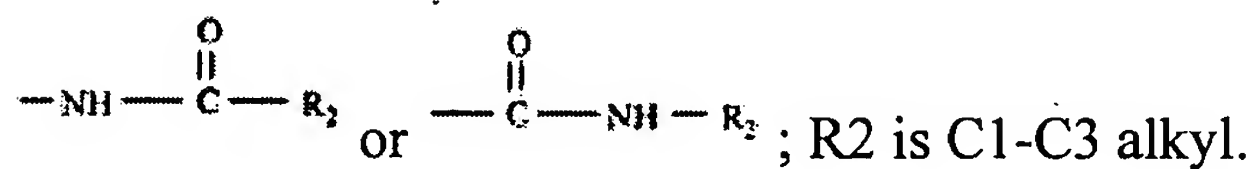
Delete claims 11-15.

### *Reasons for Allowance*

The present invention is directed to pyrrolyl-2-indolinone compounds of formula (I),



, depicted in claim 1, wherein: X is Cl, Br, or F; n is 1 to 3; R5 is



The closest prior art of record is U.S. Pat. No. 5,792,783 (Tang et al.), which does not teach or provide the requisite motivation to make the instantly claimed compounds, wherein R5

is  $\text{—NH—}\overset{\text{O}}{\parallel}\text{C—R}_2$  or  $\overset{\text{O}}{\parallel}\text{C—NH—R}_2$ . Therefore, Claims 1-10 are allowed.

### *Telephone Inquiry*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susannah Lee whose telephone number is (571) 272-6098. The examiner can normally be reached on M-F, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susannah Lee  
Patent Examiner, AU 1626

  
\_\_\_\_\_  
Joseph K. McKane  
Supervisory Patent Examiner  
AU 1626  
Date: 05/03/05